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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
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| 09/733,405      | 12/08/2000  | Brian Pollock        | S01.12-0643/STL 9408 | 1870             |

7590 03/26/2003

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EXAMINER

SNIEZEK, ANDREW L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2651

DATE MAILED: 03/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/733,405

Applicant(s)

POLLOCK ET AL.

Examiner

Andrew L. Sniezek

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Examiner has review the art cited in the information disclosure statements filed 11/18/02 and 5/13/02. Examiner also notes that an information disclosure statement was filed on 3/26/01, however the corresponding PTO-1449 for this statement cannot be found in the file. Without such form Examiner cannot determine what art applicant is trying to cite. Applicant is requested to file such form along with copies of the art cited on that form so that the Examiner could consider it.

### ***Drawings***

2. The drawings filed 12/08/00 are acceptable by the examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ueno et al.

Ueno et al. teaches a servo loop to position a head over a disk (figure 1) which includes a servo controller (7), an actuator mechanism (10) a transducer (13) a

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demodulator (inherent in read/write channel (3)) and a compensation circuitry (figure 2) which as discussed in column 5 compensates for repeatable runout (RRO) caused by eccentricity between a pre-written servo track and the axis of rotation of the disk. The compensation signal(s) comprised of (82 and 81) are stored in memory (8). This teaching of Ueno et al satisfies claim 1. As seen in figure 2 the compensation signal (81) is added to the position signal at (73) satisfying the limitations of claim 3. Also, due to eccentricity another compensation signal is stored in (82) which subtracted in a manner as set forth in claim 2. As disclosed in columns 7-8 the equations used in the formation of the compensation signals are based on a sampling frequency, which is related to the number of sectors. These sectors as discussed in column 5 each contain servo information, together forming a servo track and therefor satisfying the limitations of claims 4 and 5. Claim 10 written in a means language sets forth no more as disclosed than that of claims 1-5 and therefore rejected for similar reasons. Method claims 6-8 are drawn to the method of using the corresponding apparatus claimed in claims 1-5. Therefore method claims 6-8 correspond to apparatus claims 1-5 and are rejected for the same reasons of anticipation (obviousness) as used above. Claim 9 additional sets forth that the disk arrangement can be expanded to a drive that includes plural disks while maintaining a fixed relation between the heads. Column 4 of Ueno et al. states that in actuality the drive arrangement is comprised of a plurality of disks. With such an arrangement the heads are typically fixed in relation to each other. Taking the reference as a whole, it would be appear that the formation of the compensation

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values would be achieved in a similar manner for each disk, since there is no contrary teaching in Ueno et al.

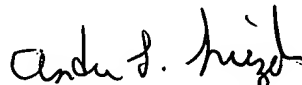
**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ishioka et al. is cited as being related to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Sniezek whose telephone number is 703-308-1602. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-305-4700. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

  
Andrew L. Sniezek  
Primary Examiner  
Art Unit 2651

A.L.S.  
March 22, 2003